

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAKHA ABULADZE, et al.,

Plaintiffs,

-against-

APPLE COMMUTER, INC., et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/17/2025

22-CV-08684 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

This Court has received the Report and Recommendation by Magistrate Judge Robyn F. Tarnofsky, dated February 24, 2025, which recommends that the Court *sua sponte* dismiss Plaintiffs' claims under the Fair Labor Standards Act ("FLSA") against Defendants Apple Commuter, Inc. ("Apple") and Biren J. Shah ("Shah") as time barred, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure and that the Court retain supplemental jurisdiction over the remaining claims. *See* Dkt. No. 299.

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court "must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, however, a district court need only satisfy itself that there is no clear error on the face of the record. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). This clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. *See, e.g., Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

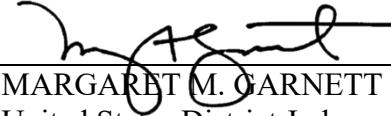
In the present case, the Report and Recommendation advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. *See* Dkt. No. 299. In addition, the Report and Recommendation expressly called the parties' attention to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). As of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. Accordingly, the parties have waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008).

Despite the waiver, the Court has reviewed the petition and the Report and Recommendation, unguided by objections, and finds the Report and Recommendation to be well reasoned and grounded in fact and law. Accordingly, the Report and Recommendation is ADOPTED in its entirety. For the reasons articulated in the Report and Recommendation,

Plaintiffs' FLSA claims against Defendants Apple and Shah are DISMISSED WITH PREJUDICE. This Court will retain supplemental jurisdiction over the remaining state law claims against Apple and Shah.

Dated: April 17, 2025
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge